



2/06

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Rava et al.
Application No. : 10/765,754
Filed : 1/27/04
Confirmation No. : 1899
For : SYSTEMS AND METHODS OF MOLECULAR SPECTROSCOPY TO
PROVIDE FOR THE DIAGNOSIS OF TISSUE
Examiner : Ruth S. Smith
Attorney's Docket : MAIT-006CX

TC Art Unit: 3737

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 23, 2007.

By: 

Thomas O. Hoover

Registration No. 32,470

Attorney for Applicant(s)

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

It is desired to cite for the record in this application the enclosed references listed on the attached copy of PTO Form #1449. The paragraph(s) marked below are applicable to this Information Disclosure Statement.

[] (1) Pursuant to 37 C.F.R. § 1.97(b)(1) and (2), the attached Information Disclosure Statement is being filed within three months of the filing date of the above identified national application or within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 of the above

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identified application. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.

- [] (2) Pursuant to 37 C.F.R. § 1.97(b)(3), applicant(s) believes the attached Information Disclosure Statement is being filed before the mailing date of a first Office action on the merits. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.
- [] (3) Pursuant to 37 C.F.R. § 1.97(b)(4), applicant(s) believes the attached Information Disclosure Statement is being filed before the mailing date of a first Office action after the filing of a request for continued examination under § 1.114. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.
- [X] (4) Pursuant to 37 C.F.R. § 1.97(c), the attached Information Disclosure Statement is being filed before the mailing date of a final action or a notice of allowance and is accompanied by:
[] a statement under 37 CFR § 1.97(e); or
[X] the fee set forth in § 1.17(p).

PETITION UNDER 37 CFR § 1.97(d)

- [] (5) Pursuant to 37 CFR § 1.97(d), applicant(s) hereby petitions the Commissioner to consider the attached Information Disclosure Statement which is being filed on or before payment of the issue fee. This petition is accompanied by a statement under 37 C.F.R. § 1.97(e) and the petition fee set forth in 37 C.F.R. § 1.17(p).

STATEMENT UNDER 37 C.F.R. § 1.97(e) (1)

- [] (6) The undersigned hereby states that each item of information contained in the attached Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

STATEMENT UNDER 37 C.F.R. § 1.97(e) (2)

- [] (7) The undersigned hereby states that no item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the

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undersigned after making reasonable inquiry, no item of information contained in the attached Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Where the status of the application has changed, unknown to the applicant, such that the boxes checked are no longer applicable, the Commissioner is authorized to accept this submission with any additional fees required by that change charged to Deposit Account No. 23-0804.

The filing of this Information Disclosure Statement is not a representation by the undersigned as to personal knowledge of the contents of every word or phrase of the material enclosed or that reliance on other suitably trained professionals has not been made. The filing of this Information Disclosure Statement is not to be construed to be an admission that the information cited herewith is, or is considered to be, material to patentability as defined in 37 CFR §1.56(b), or that Applicant(s) is(are) unable to provide an affidavit under 37 CFR §1.131 swearing back of such information.

If a search report of a searching agency is enclosed identifying the nature of the relevance of each document, such a designation is deemed to satisfy 37 C.F.R. § 1.98(a)(3) even if in a foreign language because the codes are the same in all languages. However, applicant(s) does not necessarily adopt the position reflected by that report.

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The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 23-0804. Triplicate copies of this letter are enclosed.

Respectfully submitted,

RAVA ET AL.

By: 

Thomas O. Hoover

Registration No. 32,470

Attorney for Applicant(s)

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/trb
Enclosure

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Date: May 23, 2007

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(REV. 05/03)

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEINFORMATION DISCLOSURE CITATION
(Use several sheets if necessary)ATTY. DOCKET NO.
MAIT-006CXAPPLICATION NO.
10/765,754

APPLICANT: Rava et al.

FILING DATE
1/27/04TC ART UNIT
3737

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	PUBLICATION/ ISSUE DATE	NAME	CLASS	SUBCLASS	FILING DATE
	4,718,417	1/12/88	Kittrell et al.	128	303.1	
	4,930,516	6/5/90	Alfano et al.	128	665	
	3,327,117	6/20/67	Kamentsky	250	83.3	
	3,327,119	6/20/67	Kamentsky	250	83.3	
	3,647,299	3/7/72	Lavallee	356	41	
	4,290,433	9/22/81	Alfano	128	665	
	4,213,462	6/22/80	Sato	128	634	
	4,641,650	2/10/87	Mok	128	303.1	
	3,461,856	8/19/69	Polanyi	128	2	

FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
WO 89/02718	6 April 1989	WIPO			YES
WO 90/13091	1 Nov 1990	WIPO			YES
929-050	12 Apr 78	Russia			YES

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)

Y. Ozaki et al., "Nondestructive Analysis of Biological Materials by ATR/FT-IR Spectroscopy. Part II: Potential of the ATR Method in Clinical Studies of the Internal Organs." Applied Spectroscopy, volume 43, no. 4, 1989.
J. Williamson et al., "Near-Infrared Raman Spectroscopy with a 783-nm diode Laser and CCD Array Detector." Applied Spectroscopy, volume 43, no. 3, 1989.
J. Baraga et al., "Detection of Atherosclerosis in Human Artery by Mid-Infrared Attenuated Total Reflectance." Applied Spectroscopy, volume 45, number 4, 1991.
S. Nie et al., "Applications of Near-Infrared Fourier Transform Raman Spectroscopy in Biology and Medicine." Spectroscopy, volume 5, no. 7.

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Date:
May 23, 2007
Page 2 of 3

(REV. 05/03) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i>	ATTY. DOCKET NO. MAIT-006CX	APPLICATION NO. 10/765,754
	APPLICANT: Rava et al.	
	FILING DATE 1/27/04	TC ART UNIT 3737

U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	PUBLICATION/ ISSUE DATE	NAME	CLASS	SUBCLASS	FILING DATE
	4,515,165	5/7/85	Carroll	128	664	
	4,737,628	4/12/88	Lovoi	128	395	
	4,768,516	9/6/88	Stoddart et al.	128	665	
	4,981,138	1/1/91	Deckelbaum et al.	128	665	
	4,894,547	1/16/90	Leffell et al.	250	461.2	
	4,556,057	12/3/85	Hiruma et al.	128	303.1	
	4,449,535	5/22/84	Renualt	128	634	
	4,479,499	10/30/84	Alfano	128	665	
	4,758,081	7/19/88	Barnes	351	221	

FOREIGN PATENT DOCUMENTS							
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	WO 89/02718	6 Apr 1989	WIPO				
	WO 84/04665	6 Dec 1984	WIPO				

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)	
	Halaby et al., "Computer-Controlled Spectral Measurements Of Blood Cells", IEEE Transaction on Biomedical Engineering, Vol. BME-26, No. 1, Jan 1979.
	Parker et al., "Infrared Studies Of Human And Other Tissues By The Attenuated Total Reflection Technique", Analytical Biochemistry 18, 414-422 (1967).
	Y. Ozaki, "Medical Application of Raman Spectroscopy", Applied Spectroscopy Reviews, 24(3&4), 259-312 (1988).

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U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	PUBLICATION/ISSUE DATE	NAME	CLASS	SUBCLASS	FILING DATE
	6,697,665	2/24/04	Rava et al.	600	475	
	6,690,966	2/10/04	Rava et al.	600	473	
	4,541,438	9/17/85	Parker et al.	128	664	
	4,427,889	01/1984	Muller	250	339	
	4,810,875	03/1989	Wyatt	250	227	
	5,261,410	11/1993	Alfano et al.	128	664	
	5,293,872	03/1994	Alfano et al.	128	664	
	4,620,284	10/1986	Schnell et al.	364	498	
	4,975,581	12/1990	Robinson et al.	250	339	

FOREIGN PATENT DOCUMENTS							
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)	
	Lewis et al., "Development of Near-Infrared Fourier Transform Raman Spectroscopy for the Study of biologically Active Macromolecules", Applied Spectroscopy, 42 No. 7, P.1188-1193, Sept/Oct 1988.
	Ono et al., "Fiber Optic Reflectance Spectrophotometry System For In Vivo Tissue Diagnosis", Applied Optics, Vol. 30, No. 1, P. 90-105, Jan 1, 1991.
	Alfano et al., "Lasers in the Life Sciences," 4(1), 1991, pp 23-28
	Fujiwara et al., "Measurements of Spontaneous Raman Scattering with Nd:YAG 1064-nm Laser Light", Applied Spectroscopy, Vol. 40, Number 2, 1986.

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